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HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH: Hon'ble Shri S.R. Nayak, CJ

WRIT PETITION No. 1027 OF 2005

PETITIONERS DEFENDANTS

1. Vinod Kumar Thawani
Aged about 45 years,
S/o. Mayaram,
Vinod Electronic, near Municipal Office, Champa, Tahsil Champa, District Janjgir-Champa. (C.G.)
2. Sachchanand Thawani,
Aged about 54 years,
S/o Mayaram Thawani,
Seema General Store,
Sadar Bazar, Champa, Tahsil Champa, District Janjgir-Champa (C.G.)

Versus

RESPONDENT

Firm Ganeshilal Gulabchand,
Partnership Firm, R/o Naila, District Janjgir-Champa (C.G.)

Present:

Mr. K.M. Ansari, learned counsel for the petitioners.

Mr. Rajeev Shrivastava, learned counsel for the respondent.

ORAL ORDER
(Passed on 8th of December 2005)

While assailing the order made by the learned trial Judge on 7.12.2002 on an application filed by the petitioner under Order 9 Rule 13 of C.P.C., it was contended that the dependant-petitioner came to be placed ex-parte under a wrong advice given by his counsel who is dead. The Veracity of this self-serving statement cannot be verified. Be that as it may, even otherwise, nothing is placed before the Court to possibly infer that the Advocate of the Plaintiff wrongly advised the defendant not to appear before the Court on the date of hearing and that resulted in defendant being placed ex-parte. Hence, the writ petition is dismissed, however, with no order as to costs

Sd/-
Chief Justice